

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

BENJAMIN W. KITCHEN,	)	
	)	CIVIL ACTION FILE NO.:
Plaintiff,	)	
	)	
v.	)	
	)	[Removed from
	)	The State Court of Fulton
BIKRAMJIT SINGH and A&G	)	County, Civil Action File No.
Cheema Trans, INC.	)	22EV005046]
	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Defendant Bikramjit Singh (“Mr. Singh”) and A&G Cheema Trans, Inc., (“A&G”) by and through counsel, within the time prescribed by law, and without waiving any defenses, file this Notice of Removal, respectfully showing this Honorable Court, as follows:

**1.**

Plaintiff Benjamin Kitchen filed a negligence suit against the Defendants in the State Court of Fulton County, Georgia styled as above and numbered as Civil Action File No. 22EV005046. Fulton County is in the Atlanta Division of this Court. 28 U.S.C. § 90 (a)(2).

**2.**

Upon information and belief, Plaintiff is a citizen of the State of Georgia.  
(See Complaint at ¶ 1, attached hereto as Exhibit “A.”)

**3.**

Mr. Singh is a resident of California and is domiciled at 1417 Lecourbe Court, Modesto, California 95356. (See Exhibit “B” attached). Mr. Singh is not a citizen of the State of Georgia. Mr. Singh was not a citizen of the State of Georgia at the time of, or immediately prior to, the filing and service of this lawsuit, or at any time thereafter.

**4.**

A&G is a California general stock corporation that engages in interstate trucking. (See A&G Articles of Incorporation, attached hereto as Exhibit “C”). A&G’s principal place of business is 4001 Ballen Court, Modesto, California 95356. Bikramjit Singh is the CEO, CFO, and Secretary of A&G. Neither A&G nor its officer are or were citizens of the State of Georgia at the time of, or immediately prior to, the filing and service of this lawsuit, or at any time thereafter.

**5.**

Complete diversity of citizenship exists between Plaintiff and Defendants.

**6.**

Defendants A&G and Mr. Singh received service of summons and a copy of the Complaint on November 16, 2022. The defendants filed timely answers in the State Court of Fulton County.

**7.**

In the complaint, plaintiff alleged incurred medical expenses of \$6,635.00. (Ex. A, *Complaint.*, p.6, ¶ 20).

**8.**

On March 2, 2023, plaintiff responded to the defendants written discovery requests. The plaintiff's claim for past medical specials rose significantly from \$6,635 to the sum of \$87,248.75. In pertinent part, plaintiff admits that his accident-related damages exceed \$75,001. (See Exhibit "D" Plaintiff's discovery responses, p.3, ¶13). Additionally, the plaintiff alleges incurred medical expenses totaling \$87,248.75. (Exhibit D, p. 7. ¶7). The plaintiff also seeks to recover damages for past and future pain and suffering. Finally, plaintiff seeks to recover future medical expenses in an undisclosed amount.

**9.**

Accordingly, the amount in controversy now exceeds \$75,000.00 as required by 28 U.S.C. § 1332.

**10.**

Defendants have timely removed this case pursuant to 28 U.S.C. §1446(b)(3) which provides that “if the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion or other paper from which it may first be ascertained that the case is one which is or has become removable.”

**11.**

Additionally, removal to Federal Court based on the plaintiff’s discovery responses is appropriate pursuant to 28 U.S.C. §1446(C)(3)(a) which provides “if the case stated by the initial pleading is not removable solely because the amount in controversy does not exceed the amount specified in section 1332(a), information relating to the amount in controversy in the records of the proceeding, or in response to discovery, shall be treated as an “other paper” under subsection (b)(3)”.

**12.**

This Notice of Removal is filed within thirty days of the service of Plaintiff’s discovery responses on March 2, 2023.

**13.**

This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1332(a) and 1441 because complete diversity exists between the parties and the amount in controversy exceeds \$75,000.00.

**14.**

Pursuant to 28 U.S.C. § 1446, Defendants have attached as Exhibit “A” copies of all process, pleadings and Orders that were served on and/or provided to Defendant, including copies of all pleadings that have been filed to date in the State Court of Fulton County, Georgia for the above-styled case.

**15.**

Pursuant to 28 U.S.C. §1446, Defendant is not required to file a removal bond.

**16.**

A true and correct copy of this Notice of Removal shall be filed with the Clerk of the State Court of Fulton County, as required by 28 U.S.C. §1446.

**17.**

Written notice of the filing of this Notice of Removal shall be given to all Parties, through their counsel of records, as required by 28 U.S.C. §1446.

WHEREFORE, Defendants pray that the above-captioned lawsuit would be removed to and proceed in the United States District Court for the Northern District of Georgia, Atlanta Division.

This 9<sup>th</sup> day of March, 2023.

WALDON ADELMA CASTILLA  
HIESTAND & PROUT

/s/ Benjamin H. Harbin  
Jonathan M. Adelman  
Georgia Bar No. 005128  
Benjamin H. Harbin  
Georgia Bar No. 568864  
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**CERTIFICATE OF COMPLIANCE**

On this date, the undersigned hereby certifies that the foregoing pleading complies with the font and point selections approved by the Court pursuant to Local Rule 5.1B. The foregoing pleading has been prepared in 14-point Times New Roman font.

This 9<sup>th</sup> day of March, 2023.

WALDON ADELMA CASTILLA  
HIESTAND & PROUT

/s/ Benjamin H. Harbin  
Jonathan M. Adelman  
Georgia Bar No. 005128  
Benjamin H. Harbin  
Georgia Bar No. 568864  
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A&G Cheema Trans., Inc.*

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**CERTIFICATE OF SERVICE**

I hereby certify that, on this the *9th* day of March, 2023, I electronically filed the foregoing *Notice of Removal* with the Clerk of this Court using the CM/ECF system which will automatically provide notice of such filing via electronic mail to the following attorney(s) of record:

Patrick C. Powell  
Morgan & Morgan  
777 Gloucester Street  
Suite 400  
Brunswick., GA 31520  
[ppowell@forthepeople.com](mailto:ppowell@forthepeople.com)



This 9<sup>th</sup> day of March, 2023.

WALDON ADELMA CASTILLA  
HIESTAND & PROUT

/s/ Benjamin H. Harbin  
Jonathan M. Adelman  
Georgia Bar No. 005128  
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